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Hannis Taylor

THE TRIUMPH OF AMERICAN DIPLOMACY

By HANNIS TAYLOR

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(In order to illustrate the importance, from an historical point of view, of President Harding's epoch-making offer to arbitrate between Europe and Asia the Hon. Hannis Taylor has prepared this monograph, in which our diplomatic history, now covering nearly a century and a half, is unfolded as a stirring drama in six acts. In the first is described the organization of the family of nations at the time our infant Republic became an humble member of it; in the second is described our first contribution in the form of the modern and existing law of neutrality; in the third is traced the origin and growth of the Monroe Doctrine; in the fourth is noted the extension of that Doctrine to the Pacific Ocean; in the fifth is explained the circumstances under which our supreme arbitrating power in this hemisphere was defined; in the sixth is set forth the real nature of the first international conference ever held on the soil of the New World in which this Republic assumed the rôle of supreme arbitrator between Europe and Asia. Only in the light of its historical antecedents can that crowning triumph of American diplomacy be fully understood.)—THE EDITOR.

WHAT do we mean when we speak of the family of nations? When did it originate? Where does it abide? What does it embrace? The answers to those questions must be found in the record of a diplomatic and political evolution whose progressive development has been regulated by permanent, uniform, and universal law. There is no fact that stands in isolation;

there is no institution that is not the natural, perhaps inevitable, outcome of its antecedents. Only by the aid of that process of reasoning is it possible to grasp the comprehensive thought embodied in the phrase "the family of nations." Without some knowledge of its historical antecedents it is impossible to describe the vast diplomatic organization, broad bottomed on international law, which now shelters within its fold the civilized nations of the world of today.

The separate nationalities, each with its own character, language, and institutions, which arose out of the wreck of the empire of Charles the Great, passed through a long childhood under the protecting wings of an institution known as the Holy Roman Empire that illustrated for centuries the enduring power of a political theory. The chiefs of that comprehensive society were the Roman Emperor and the Roman Pontiff, the one standing at its head in its temporal character as an empire and the other standing at its head in its spiritual character as a church. The Roman Empire and the Roman Catholic Church were, according to medieval theory, two aspects of a single Christian monarchy whose mission it was to shelter beneath its wings all the nations of the earth. No matter to what extent the Holy Roman Empire may have failed as an international power, whether arbitrating on its spiritual side through the Pope and the canon law or on its temporal side through the Emperor and the imperial law, the fact remains that for centuries it was the one bond of cohesion holding Europe together under the spell of a theory that assumed to provide a complete system of international justice and a supreme tribunal adequate to the settlement of all controversies that could possibly arise between Christian nations.

THE EARTHQUAKE KNOWN AS THE REFORMATION

No matter whether the Holy Roman Empire was a theory or an institution, not until the conception of a united Christendom it embodied was wrecked by the Reformation was the field cleared for the growth of international law as now understood.

For the older form of a universal faith uniting Christians of all nations the Lutheran States substituted the principle of territorial religion which acknowledged the right of each nation to determine the form of belief that should prevail within its own bounds. From that premise were drawn the two fundamental postulates of the new international system; first, that each State is sovereign and independent, and as such coequal with all the rest; second, that territory and jurisdiction are coextensive. Such was the practical outcome of the terrible Thirty Years' War closed in 1648 by the peace of Westphalia. "That peace set the final seal on the disintegration of the world empire at once of Pope and Emperor, and made possible the complete realization of the doctrine of Grotius, the doctrine of the sovereignty of States. The Peace of Westphalia did not create international law, but it made a true science of international law realizable." Such was the general character of the treaty settlement made during the year 1648, in the first body that can be called a diplomatic congress in the modern sense of that term—a settlement that survived without a break as the public law of Europe down to the French Revolution.

GROTIUS AND THE NEW INTERNATIONAL SYSTEM

The postulate that each State as a member of the family of nations is sovereign and independent, and as such coequal with all the rest, settled the fact that no one of them could be made to bow to a common superior save through its own consent. As the common superior furnished by the Holy Roman Empire had been swept away by the Reformation, the Dutch jurist, Grotius, placed upon the vacant throne as a substitute for him a book published in 1625, called "*De Jure Belli ac Pacis*." The laws of war and peace embodied in that compilation had been drawn from a single source. The epoch-making work of Grotius, brilliant as it was, simply involved an application of one branch of Roman private law known as the *jus gentium*—the law common to all nations—to States instead of to individuals. His genius consisted entirely of his ability to extract from that body of rules known as the *jus gentium*, applied by the Romans only between man and man, a code adequate for the regulation, by common consent, of the new international relations established between the Christian States of western Europe after the Holy Roman Empire had ceased to be an international bond between them.

CONCERT OF EUROPE AND THE BALANCE OF POWER

After the Peace of Westphalia had established the existence of the family of nations as a fact, and after Grotius had furnished it with a code of family law whose rules it agreed to observe, it was discovered that it could not operate as a going concern without the direction of a governing committee, known as the Concert of Europe, whose main business it has ever been to preserve what is called the "balance of power." The theory that the equality and legal rights of the greatest and smallest States are identical has never been carried out in practice. Such rights and such equality have always been subject to the irresistible power vested by the higher or conventional law in a committee composed of the representatives of a few of the greater States acting in behalf of the whole. Down to the World War nothing was better understood in European diplomacy than the fact that a primacy or overlordship was vested in the concert composed at last of Great Britain, France, Germany, Russia, and Austria—a combination into which Italy was admitted in 1867. That primacy or overlordship gradually developed outside of the written treaty law, since the Peace of Westphalia represented the common superior who actually succeeded to the place made vacant by the collapse of the Holy Roman Empire as an international power.

ENTRY OF THE UNITED STATES INTO THE FAMILY OF NATIONS

Only in the light of such a preface is it possible to understand the conditions under which our infant Republic, situated upon the eastern shores of the mainland of the Western Hemisphere, became a member of the family of nations whose habitat was and is in the western section of the Eastern Hemisphere. By the mighty ocean dividing the Old World from the New the entire after-history has been profoundly impressed. Before the close of the American Revolution the Congress of

the United States, which under the Articles of Confederation possessed jurisdiction over all questions arising under the law of nations, in its ordinance of December 4, 1781, concerning maritime captures, professed obedience to that law "according to the general usages of Europe"; and by the terms of the second Federal Constitution of 1789 treaties were made the supreme law of the land, binding the nation as a whole and all subordinate authorities and judges of every State.

AMERICA'S CONTRIBUTION TO THE LAW OF NEUTRALITY

All who study the growth of law in a scientific way understand that physical geography is ever a prime factor in the history of its development. Out of the isolated position assigned us by physical geography have arisen our contributions to the law of neutrality. That law, incompatible with the theory of the medieval empire, and which supplied no rule as to neutral duty in the sixteenth century, had made so little progress by the end of the first quarter of the seventeenth that it may be said not to have advanced up to that time beyond the stage of theory.

In the words of the English publicist, Hall: "In 1627 the English captured a French ship in Dutch waters; in 1631 the Spaniards attacked the Dutch in a Dutch port; in 1639 the Dutch were in turn the aggressors, and attacked the Spanish fleet in English waters; again, in 1666, they captured English vessels in the Elbe, and in spite of the remonstrance of Hamburg and of several other German States, did not restore them; in 1664 an English fleet endeavored to seize the Dutch East India squadron in the harbor of Bergen, but were beaten off with the help of the forts; finally, in 1693, the French attempted to cut some Dutch ships out of Lisbon, and on being prevented by the guns of the place from carrying them off, burnt them in the river." In 1793 the French frigate *Modeste* was captured in the harbor of Genoa by two English men-of-war, and it was neither restored nor was an apology made for the violation of Genoese neutrality.

In the very year in which Genoese neutrality was thus ruthlessly violated by the greatest of sea powers an infant Republic, with an interest and ambition to be a sea power, resolved to bring about a revolution by adding a new chapter on neutrality to the law of nations. The war then raging between Great Britain and revolutionary France opened up an enticing opportunity to the famous clipper ships of New England, which President Washington, guided by the diplomatic hand of Jefferson, promptly approved by the issuance of his epoch-making neutrality proclamation of April 22, 1793. In that pronouncement the Government of the United States undertook to define what it considered to be the obligations then incumbent upon neutrals, representing by far the most advanced existing opinions as to what those obligations really were. And in some particulars it went even further than authoritative international custom has up to the present time advanced.

When the French minister, Genet, attempted to violate the neutrality of the United States, as thus defined, President Washington insisted upon his recall; and at a later day far graver consequences resulted to Napoleon, whose fall was brought about through his invasion of

Russia, a desperate enterprise into which he was driven at last by the refusal of Alexander I to uphold his oppressive "continental system" of blockade through the exclusion from Russian ports of the neutral flag of the American merchant marine. Thus it has been said that it was the prows of the clipper ships of New England that caused the imposing fabric of Napoleonic statecraft and diplomacy to collapse like a house of cards in 1812, 1813, and 1814. And to the same source may be traced the War of 1812, that grew out of the assertion upon the part of Great Britain of a claim of visitation and search entirely incompatible with the neutrality code proclaimed by Washington in 1793.

ORIGIN AND GROWTH OF THE MONROE DOCTRINE

Just as the physiography of North America preordained the new American doctrine of neutrality, it preordained what is generally known as the Monroe Doctrine. The two new chapters thus introduced into the modern law of nations were drafted by the same statesman—Thomas Jefferson. As Europe, Asia, and Africa are confined within the limits of the Eastern Hemisphere, it is not strange that one great central and powerful State should have established its hegemony or overlordship over the Western. The beginnings of that overlordship were prompted directly by the action of Great Britain, eager to secure to herself the permanent possession of certain commercial interests in Latin American trade which she had taken during the Napoleonic wars from a continental rival. All of the European nations that planted colonies in the New World regarded them simply as plantations whose trade was the absolute possession of the mother State. Therefore with the rich and fruitful plantations founded by Spain in this hemisphere Great Britain had no right to trade so long as they were subject to the political sovereignty of their mother country. Not until after that sovereignty had been repudiated, not until after the Spanish colonies in America had established their independence, was Great Britain able to rush in and add that new domain to her everwidening commercial empire.

In the summer of 1823, after that rich prize had been thus secured, the Holy Alliance notified Great Britain that so soon as France should complete the overthrow of the revolutionary government of Spain a congress would be called for the purpose of terminating the revolutionary governments of South America. In order to defeat that design, fatal to the interests of the British merchants, who had built up a great trade with Spain's revolted colonies as independent communities, Canning, who had succeeded Castlereagh, began to correspond with Mr. Rush, the American minister at London, as to the advantages of a joint declaration by Great Britain and the United States against the threat of the alliance to extend its interference to Spain's relations with her colonies in this hemisphere. With consummate art, perhaps unnecessary, Canning suggested that nothing could be a greater indignity to this Republic than the overthrow, by a combination of European monarchs, of the group of revolutionary governments whose right to independence rested upon the same foundation as our own. And he added that if the United States should determine to resist such an aggression every man in the Brit-

ish army and every ship in the British navy would be at our disposal.

After Mr. Rush had forwarded this momentous correspondence to President Monroe, he did not waste a moment in placing it for action in the hands of the lonely old statesman at Monticello, who for 24 years was really President of the United States. In assuming a task which Monroe admitted was entirely beyond his abilities, Jefferson, in his famous letter of October 24, 1823, deemed it proper to say to him: "The question presented by the letters you have sent me is the most momentous which has been offered to my contemplation since that of independence. That made up a nation; this sets our compass and points the course which we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe and peculiarly her own. She should, therefore, have a system of her own, separate and apart from that of Europe."

He then proceeded to say: "One nation, most of all, could disturb us in this pursuit; she now offers to lead, aid, and accompany us in it. By acceding to her proposition we detach her from the bands, bring her mighty weight into the scale of free government, and emancipate a continent at one stroke, which might otherwise linger in doubt and difficulty. Great Britain is the nation which can do us the most harm of any one or all on earth, and with her on our side we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship, and nothing would tend more to knit our affections than to be fighting once more side by side in the same cause. . . . But we have first to ask ourselves a question: Do we wish to acquire to our confederacy any one or more of the Spanish provinces? I cordially confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico and the countries and isthmus bordering on it, as well as those whose waters flow into it, would fill up the measure of our political well-being."

After the epoch-making letter to President Monroe had been completed, it was cordially approved by ex-President Madison, who was near at hand at Montpelier, and also by Calhoun, then Secretary of War, who declared that he believed that the alliance "had an ultimate eye on us; that they would, if not resisted, subdue South America. . . . Violent parties would arise in this country, one for and one against them, and we should have to fight upon our own shores for our institutions." The new American system as thus outlined by Jefferson, primarily for the protection of American institutions against European interference, passed to the Congress of the United States through President Monroe as a conduit, and in passing took his name. In his seventh annual message, delivered December 2, 1823, he said that "in the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy to do so. It is

only when our rights are involved or seriously menaced that we resent injuries or make preparations for our defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. . . . We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety."

PURELY A CREATION OF EXECUTIVE POWER

Such was the beginning of the new and unique chapter in the law of nations, called the Monroe Doctrine, which has been written into it by the pens of American Presidents and Secretaries of State; it is purely a creation of executive power. And, like every other institution that has been the result of growth, it did not attain its full stature in a night; it did not spring into life fully armed. Its present dimensions are the result of a century of persistent and progressive development. Pending the controversy with Great Britain as to the Oregon Territory, and in the face of possible intervention by European powers on account of the annexation of Texas, President Polk, in his message of December 2, 1845, greatly widened the protest of President Monroe against future colonization by any European powers when he said that "it should be distinctly announced to the world as our settled policy that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American Continent." And when in 1865 it became necessary for the United States to terminate the intervention of France in the internal affairs of Mexico, notice was then given that friendship with that country must cease, "unless France could deem it consistent with her interest and honor to desist from the prosecution of armed intervention in Mexico to overthrow the domestic republican government existing there, and to establish upon its ruins the foreign monarchy which has been attempted to be inaugurated in the capital of that country." More complete expression was given to the aspirations of the United States on this subject by Mr. Fish when in his report of July 14, 1870, to President Grant he said: "This policy is not a policy of aggression, but it opposes the creation of European dominion on American soil or its transfer to other European powers, and it looks hopefully to the time when, by the voluntary departure of European governments from this continent and the adjacent islands, America shall be wholly American."

OUR SUPREME ARBITRATING POWER IN THIS HEMISPHERE FIRST DEFINED IN VENEZUELAN CASE

Not, however, until the opportunity was given by the boundary controversy between Great Britain and Venezuela was the inevitable declaration finally made that the same reasons that impel the Concert of Europe to guard the balance of power in the Old World prompt the Government of the United States to maintain its primacy in the New. In the words of President Cleveland, who first

gave to the Monroe Doctrine complete and scientific definition, "If the balance of power is justly a cause for jealous anxiety among the governments of the Old World and a subject for our own absolute non-interference, none the less is an observance of the Monroe Doctrine of vital concern to our people and their government."

To that a great Secretary of State, Richard Olney, added: "Today the United States is practically sovereign on this continent and its fiat is law upon the subjects to which it confines its interpositions." Thus, in a clear and consistent form, was finally reached the conclusion that the same supreme directing and arbitrating power which in the Old World is vested in the Concert of Europe is in the New vested in the Government of the United States, acting alone. In the words of a distinguished English publicist, T. J. Lawrence: "The supremacy of a committee of States and the supremacy of a single State cannot be exercised in the same manner. What in Europe is done after long and tedious negotiations and much discussion between representatives of no less than six countries can be done in America by the discussion of one Cabinet, discussing in secret at Washington." When the Government of Great Britain justly and wisely conceded the right of arbitration thus asserted by the United States, solely by virtue of its primacy or overlordship in the New World, a final settlement was made of the place of this Republic in the family of nations.

EXTENSION OF MONROE DOCTRINE TO PACIFIC WORLD

Almost at the outset of his famous message of December 2, 1823, President Monroe, prompted by a controversy then pending as to unsettled boundaries in the Northwest that grew out of a ukase issued by the Czar of Russia in September, 1821, in which he had asserted exclusive territorial rights from the extreme northern limit of the continent to the fifty-first parallel of north latitude, had undertaken to extend the new American system as outlined by Jefferson to the Pacific world. Against the ukase of the Czar, proposing a territorial establishment on the northwest coast of this continent, President Monroe had presented substantially the same protest he had made against the intervention of the Holy Alliance in the affairs of South America. When Russia proposed an amicable settlement of the matter John Quincy Adams, then Secretary of State, said to the Russian minister at a conference held on July 17, 1823, "That we should contest the right of Russia to any territorial establishment on this continent, and that we should assume distinctly the principle that the American continents are no longer subjects for any new colonial establishments." On July 2 Mr. Adams had written to Mr. Rush, our minister at London, that a "necessary consequence of this state of things will be that the American continent henceforth will no longer be subject to colonization. Occupied by civilized nations, they will be accessible to Europeans and each other on that footing alone; and the Pacific Ocean, in every part of it, will remain open to the navigation of all nations in like manner with the Atlantic."

THE PACIFIC WORLD AS IT WAS LESS THAN A CENTURY AGO

When we include within it that part of our own domain which lies west of the Mississippi, it is hard either to grasp or to portray the vast transformation that has taken place in the Pacific world during the last 75 years. As late as 1850 the great territory stretching from the Mississippi to the Pacific was still almost an unknown land; in that year there was no railroad track (excepting 80 miles in Louisiana) or telegraph line west of the Mississippi, in the United States; nor in any of the other countries in or surrounding the Pacific. As late as 1860 there were only 23 miles of railroad west of the Rocky Mountains, and not until 1861 did the first telegraph line from the east reach the Pacific, in many parts of which steamships were still a curiosity. Not until 1867 was a regular steamship service established between San Francisco and the Atlantic coast, and not until 1870 was steam communication established between San Francisco and Australia. As late as 1852 the only States west of the Mississippi were Louisiana, Arkansas, Texas, Missouri, and California, the last named a string of mining camps which had just entered the Union with a population of little over 90,000.

The Pacific States of South America, Central America, and Mexico, which had emerged successfully from their wars of independence with Spain, were still hampered with internal dissensions and traditionally incompetent commercial methods inherited from the old Spanish colonial system; Hawaii was known chiefly as a supply station for the whaling fleet owned almost exclusively in New England; New Caledonia, New Guinea, Samoa, the Fijis, and the other islands composing "no man's land," were still under the almost absolute sway of savages and cannibals, while the Australian colonies were just beginning to give a suggestion of the wealth, commerce, and development they have since achieved; China had but recently been forced at the cannon's mouth reluctantly to open a few of her ports to foreign commerce; from the "sealed mystery," known as Japan, foreigners were rigorously excluded, it being a capital offense for any native to leave the country; not until 1857-58 were the ports of Kanagawa, Nagasaki, and Hakodadi opened to foreigners; British Columbia, then an obscure British colony, remained so until the completion of the Canadian Pacific Railroad; Alaska, destined to become one of the brightest jewels in our crown, and the Siberian coast of Asia still remained in the undisturbed possession of the seal and the Eskimo, save when the awful solitude was broken by a few adventurous traders who came to purchase furs in exchange for firewater and trinkets.

In the light of what has gone before, it will be possible to visualize, to some extent at least, the vast and growing greatness of the Pacific world as it appeared to William H. Seward, when, from his place in the United States Senate, he looked out upon it with a prophetic eye in July, 1852. While debating at that time a bill providing for the "survey of the whaling grounds and routes of commerce on the Pacific," he said: "Even the discovery of this continent and its islands, and the organization of society and government upon them, grand and important as those events have been, were but con-

ditional, preliminary, and ancillary to the more sublime result, now in the act of consummation—the reunion of two civilizations, which having parted on the plains of Asia 4,000 years ago, and having traveled ever afterwards in opposite directions around the world, now meet again on the coasts and islands of the Pacific Ocean. Certainly no mere human event of equal dignity and importance has ever occurred upon the earth. It will be followed by the equalization of the condition of society and the restoration of the unity of the human family. . . . As to those who cannot see how this movement will improve the conditions of Asia, I leave them to reflect upon the improvements in the condition of Europe since the discovery and colonization of America. Who does not see, then, that every year hereafter European commerce, European politics, European thoughts, and European activity, although actually gaining greater force, and European connections, although actually becoming more intimate, will, nevertheless, ultimately sink in importance, while the Pacific Ocean, its shores, its islands, and the vast regions beyond will become the chief theater of events in the world's great hereafter."

Fifteen years after this prophet-statesman had thus forecasted the inevitable aftergrowth of the Pacific world he made our stake in it vastly larger when, as Secretary of State, he purchased in 1867 from Russia, for a song, the princely domain of Alaska, one-third greater in size than the Atlantic States from Maine to Florida. After the purchase we stood out for all that Russia had claimed in 1822-1825, but such claims were overruled by the international tribunal that sat at Paris in 1893, which held that Bering Sea, as a part of the high seas, was no one's preserve; that the seals, *feræ naturæ*, were no one's property. As with the growth of the American navy there was an increasing need of coaling stations and positions advantageous to our sea power in the Pacific, by a tripartite treaty made in 1889 the Samoan Islands were placed under the joint control of the United States, England, and Germany, and in 1898 the Hawaiian Islands were annexed.

THE SPANISH-AMERICAN WAR AND THE TREATY OF DECEMBER 10, 1898

The commercial importance of Cuba, its commanding position with reference to the Gulf of Mexico and the approaches to the Panama Canal, its menace as a breeding ground for yellow fever, had made it for a long time an important factor in the foreign policy of the United States. Jefferson, who said that "the control which, with Florida, this island would give us over the Gulf of Mexico and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being," had declared that if Spain relinquished it, it must not fall into the hands of another European power. American intervention, which for many years had been imminent, became inevitable in the course of the revolt which broke out in 1895, involving, as it did, grave commercial injury to the United States.

The war which followed President McKinley's intervention was terminated by the treaty of Paris in December, 1898, under which Porto Rico, Guam, and the Philippines were for a certain consideration ceded out-

right to the United States. By that large acquisition in the Pacific we became immediately involved in the diplomatic situation created by the efforts of certain European nations to divide China into spheres of influence or of actual possession. That policy, to which our new position in the Philippines, as well as our interests in China's trade, made us hostile, drew from Secretary of State Hay his best efforts as a diplomatist and statesman. In order to preserve the integrity of China and the "open door" for trade, he drew such replies from the aggressive nations as compelled them to moderate their demands; and when the Boxer Insurrection broke out in 1900, and the legations were besieged at Peking, it was largely through his efforts that China received a less rigorous treatment.

THE WORLD WAR AND THE MEANING OF OUR REJECTION OF THE TREATY OF VERSAILLES

Such, in general terms, was the nature of our diplomatic relations with the Atlantic world, the Pacific world, and the rapidly growing Latin American world to the south of us when the earthquake, known as the World War, began to shake the earth as a whole. No attempt will be made herein to discuss either the abnormal and temporary conditions produced by the World War in the internal policy of the United States, or the abnormal and temporary conditions produced by the World War in the foreign relations of the United States. Suffice it to say that at its close the American people, true to their conservative instincts, were mastered and overcome by the desire to return to what President Harding has been pleased to call "normalcy." Everybody, the romantic as well as the practical, understood that we had been suddenly swept, in a moment of great excitement, into an unprecedented adventure whose costs had been stupendous and whose unsettling influences had been profound. There was, therefore, a universal desire to return as quickly as possible to "normalcy"—that is, to the old systems of policy, internal and external, which had made us happy and great.

The most startling outcome of that World War with which we were first brought face to face was embodied in the fact that the old European diplomatic system, based upon the balance of power as a fundamental concept, was a total wreck. By the elimination of Germany, Austria, and Russia the Concert of Europe, which had existed in various forms since the Peace of Westphalia, had been forced to yield to a new Holy Alliance, composed, as its predecessor had been, of only three European powers—Great Britain, France, and Italy. That triumphant combination proposed to reorganize the diplomatic system not only of Europe, but of the world, by reviving the old idea of a League of Nations, first formulated by St. Pierre in 1713, and then revised by Bentham in 1786-1789 and by Immanuel Kant in 1795. That long-discarded scheme was made the basis in 1911 of Dr. Timothy Richards' "League of Nations to Enforce Peace with Arms," elaborated by Viscount Grey in 1918, and completed by Lord Robert Cecil in 1919.

THE SUPERSTATE WHICH AMERICAN PEOPLE REJECTED BY A POPULAR MAJORITY OF 7,000,000

The builders of the superstate, first designed by St. Pierre in 1713 and completed by Lord Cecil in 1919,

began by denying absolutely that physical geography is the primary basis of the world's politics and diplomacy. After eliminating the mighty oceans by which the hemispheres are divided from each other, the builders of the new fabric saw in their mind's eye all of the nations of the earth, great and small, huddled together in a narrow area as the Greek States were huddled together in the days of Thucydides and Polibius. Under such conditions it was hoped that the old pride of nationality, which has ever been the mainspring of patriotism, would be greatly weakened if not extinguished. Under such conditions it was certain that our peculiar American system, our Gibraltar known as the Monroe Doctrine, would never again be permitted to plague the world. In the great superstate the American Commonwealth was to be submerged; it was curtly asked to bow its head and vote along with Canada, Australia, and the other British colonies. For a moment the American people were stunned by the immensity of the indignity thus offered them; and in that moment they stooped to consider whether such a condition of servitude would be tolerable, if mitigated by certain reservations. Then it was that the national conscience awoke; then it was that the reaction came like the thunderclap at Marengo. During the storm that ensued President Harding was swept into power upon a tidal wave of 7,000,000 popular majority.

But the battle is not over; the end is not yet. Governor Cox, the defeated candidate for President in 1920, is now giving public notice that the fight is to be fought over again. He says that the American Commonwealth must abdicate the proud and commanding place in the family of nations which fortune and our own efforts have given us; he says that it must inevitably bow its head and pass beneath the yoke which the League of Nations has prepared for us. He even contends that we must, in any event, accept the Permanent Court of International Justice, set up and controlled by the League, which is to be armed with a coercive jurisdiction which would enable European judges to annihilate those international rights which are especially dear to us. So long as we are menaced by such threats, every patriotic American must sleep with arms in his hands.

OUR NORMAL DIPLOMATIC RELATIONS WITH EUROPE AND ASIA RESUMED

The results of the last presidential election made it plain, even to the man in the street, first, that the American people have irrevocably resolved not to become a member of the new political and diplomatic fabric devised for the government of Europe and known as the League of Nations; second, that they have resolved to resume their normal diplomatic relations with Europe and Asia with the Monroe Doctrine intact in all its parts. Such resolves do not imply, however, that we are to become a hermit nation, or that we are to shirk any of the vast responsibilities that manifest destiny has cast upon us. We could not, if we would, eliminate the fact that nature has placed us midway between Europe and Asia in a vast and fruitful land which stands out like a fortress guarded against both by two inviolate oceans which make a successful attack from either impossible. With ever-increasing and intimate relations with Europe and Asia, seething with tumults and difficulties that invite the interposition of a neutral and independent

friend, the American Commonwealth would fail in its duties to both and humanity if, at this turning point in the world's history, it should fail to assert its full arbitrating power.

PRESIDENT HARDING'S EPOCH-MAKING OFFER TO ARBITRATE BETWEEN EUROPE AND ASIA

With a great jurist and statesman at his side as Secretary of State, President Harding resolved, in the summer of 1921, to embark upon an uncharted sea by inviting Europe and Asia to arbitrate certain grave questions affecting both, in the first international conference ever held on the soil of the New World. At a later day the President made it clear that he was moved to action by the possibility of wars in the near future in the Pacific that might arise out of a conflict of principles and policies to be followed by certain great powers in their relationship with China. Our interest in the matter, he said, grows out of "our traditional friendship for the ancient empire, our continued friendship for the new republic, our commitment of more than 20 years to the open door, and our avowed concern for Chinese integrity and unimpaired sovereignty." That China and her problems embodied the question of questions to be settled was made plain by the formal invitation of the President, sent by the Secretary of State on August 11, 1921, in these terms: "The President invites the Government of the Republic of China to participate in the discussion of Pacific and Far Eastern questions, in connection with the conference on the subject of limitation of armament, to be held in Washington on the 11th day of November, 1921."

In order to induce the three leading European powers and Japan to enter more heartily into the conference, the President wisely coupled with his basic idea a proposal for the limitation of armament, whose ever-increasing cost is a universal burden. In the formal invitation sent to Great Britain, France, Italy, and Japan, on August 11, 1921, this language is used: "The President is deeply gratified at the cordial response to his suggestion that there should be a conference on the subject of limitation of armament, in connection with which Pacific and Far Eastern questions should also be discussed. Productive labor is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced." On October 4, 1921, invitations in that form were sent to Belgium, the Netherlands, and Portugal, with this addition: "It is the earnest wish of this government that with the facilities afforded by a conference it may be possible to find a solution of Pacific and Far Eastern problems by a practical effort to reach such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our people."

CONFERENCE OPENED BY ADDRESSES FROM PRESIDENT AND SECRETARY OF STATE

After the conference had assembled in the city of Washington on November 12, with a full attendance of the delegations from the United States, Great Britain, France, Italy, Japan, China, Holland, Belgium, and Portugal, the President made an address in which he said:

"Speaking as official sponsor for the invitation, I think I may say the call is not of the United States of America alone; it is rather the spoken word of a war-wearied world, struggling for restoration, hungering and thirsting for better relationship; of humanity crying for relief and craving assurances of lasting peace. . . . A world staggering with debt needs its burden lifted. Humanity, which has been shocked by wanton destruction, would minimize the agencies of that destruction. Contemplating the measureless cost of war and the continuing burden of armament, all thoughtful peoples wish for real limitation of armament and would like war outlawed. . . . Gentlemen of the conference, the United States welcomes you with unselfish hands. We harbor no fears; we have no sordid ends to serve; we suspect no enemy; we contemplate or apprehend no conquest. Content with what we have, we seek nothing which is another's. We only wish to do with you that finer, nobler thing which no nation can do alone."

After Secretary of State Hughes had been chosen permanent chairman, he began his address, the first part of which gave but little indication of what was to come. Following an explanation why the invitation to the armaments discussion had been limited to the five allied and associated powers, while China, Holland, Belgium, and Portugal had been invited to discuss Far Eastern questions, came the statement that the two subjects would be considered simultaneously so far as practicable. Then, after emphasizing the fact that the present moment was opportune because the power to disarm the world lay in the hands of comparatively few nations, the speaker startled his audience by this declaration:

"It would seem to be a vital part of a plan for the limitation of naval armament that there should be a naval holiday. It is proposed that for a period of not less than ten years there should be no further construction of capital ships. I am happy to say that I am at liberty to go beyond these general propositions, and, on behalf of the American delegation, acting under instructions of the President of the United States, to submit to you a concrete proposition for an agreement for the limitation of naval armament. Four general principles have been applied:

"1. That all capital-ship building programs, either actual or projected, should be abandoned.

"2. That further reduction should be made through the scrapping of certain of the older ships.

"3. That, in general, regard should be had to the existing naval strength of the powers concerned.

"4. That the capital-ship tonnage should be used as the measurement of strength for navies, and a proportionate allowance of auxiliary combatant craft prescribed."

The end of one epoch and the beginning of another was marked by the approval and acceptance by the governments concerned of the bold and concrete American proposals thus put forward ere they had ceased to echo around the world.

PRESIDENT'S PATRIOTIC WISDOM IN APPOINTING SENATORS LODGE AND UNDERWOOD AS DELEGATES

Despite certain constitutional difficulties, which should not be entirely ignored, the President, in view of the epoch-making work in which the conference was to engage, manifested patriotic wisdom in selecting the ma-

jority and minority leaders of the Senate as delegates. Certainly it was of paramount importance that in the first international conference in which the American people were to exercise their arbitrating power in the family of nations its representation should be, in the highest sense of the term, American and national, and not sectional or partisan. It was eminently proper that the North and the South, now irrevocably united in the bonds of a mutual love, a mutual interest, and a mutual honor, should have been represented by a Republican from Massachusetts and a Democrat from Alabama. *Par nobile fratrum*. As no practical result could have been reached without the approval of the Senate, the President was wise in taking into his confidence the leaders of the two great parties who compose it. In asking the Senate's approval of the completed work of the conference the President said:

"I had occasion to learn of your very proper jealousy of the Senate's part in contracting foreign relationships. Frankly, it was in my mind when I asked representatives of both the majority and minority to serve on the American delegation. It was designed to have you participate. And you were ably represented. We have no rivalries in our devotion to things we call American because that is a common consecration."

THE SIX TREATIES IN WHICH THE WORK OF THE CONFERENCE WAS EMBODIED

The completed work of the conference was embodied in six treaties with the following titles:

(1) A treaty between the United States of America, the British Empire, France, Italy, and Japan with respect to the limitation of naval armament.

(2) A treaty between the same powers in relation to the use of submarines and noxious gases in warfare.

(3) A treaty between the United States of America, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean. An explanatory declaration accompanies this treaty.

(4) A treaty between the same powers supplementary to the above-mentioned treaty in relation to insular possessions and insular dominions in the Pacific Ocean.

(5) A treaty between the United States of America, Belgium, British Empire, China, France, Italy, Japan, the Netherlands, and Portugal relating to policies in matters concerning China.

(6) A treaty between the same nine powers relating to the Chinese customs tariff.

All of the above-mentioned treaties were signed on February 6, 1922, with the exception of the treaty between the United States of America, the British Empire, France, and Japan relating to their insular possessions and insular dominions in the Pacific Ocean, which was signed on December 13, 1921.

Why was that treaty, generally known as the "four-power pact," signed nearly two months in advance of the five that followed it? Until that question of questions has been answered, it is impossible to grasp the real meaning of the proceedings of the conference viewed as a connected whole.

EARLY ADOPTION OF FOUR-POWER PACT MADE POSSIBLE THE SUCCESS OF THE CONFERENCE

Everybody understood that the primary purpose of the conference was to arrive at such "a common understanding with respect to principles and policies in the Far East," or, in other words, to make such sacrifices and to arrive at such rearrangements as would so reduce the possibilities of war in that quarter as to justify the great powers in limiting their armaments without jeopardizing themselves or those dependent on them. Or, to state the matter in a still narrower compass, unless some way could be found, in advance, by which the probabilities of war in the Far East could be materially reduced, there was no chance whatever of inducing the great powers specially concerned to make any reduction in their armaments. The vital Far Eastern question most likely to cause war was embodied, of course, in the grievances which China had suffered through a military weakness that had resulted in her being stripped of her chief seaports, in "spheres of influence" being established in her richest provinces, in the extortion of monopolies for building railroads and exploiting her coal and iron ores, and in the subjection of the administration of her post-offices, her customs duties, and to a considerable extent even the administration of justice itself, to foreign control. In order to rescue China from such conditions, threatening little less than complete dismemberment of the country, it was necessary that certain powers represented in the conference should undertake radical action.

What was actually done, with the avowed purpose of removing the causes of war in the Far East, was embodied in the four-power treaty, supplemented by the other treaties, especially the two between the nine powers relating to policies in matters concerning China and the Chinese customs tariff. The four-power treaty itself, which, with the formal parts eliminated, contains but little more than 200 words, rests upon the basic assurance that "the high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean," an assurance which simply reaffirms the primary principles of international law. In the two supplementary treaties relating to China the nine powers express a purpose "to adopt a policy designed to stabilize conditions in the Far East, to safeguard the rights and interests of China, and to promote intercourse between China and the other powers upon the basis of equality of opportunity." The contracting powers, other than China, then agree, "(1) to respect the sovereignty, the independence, and the territorial and administrative integrity of China; (2) to provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government." Strong declarations were then made in favor "of the open door or equality of opportunity in China for the trade and industry of all nations," and in favor of increasing the revenues of the Government of China through the making of a treaty providing for "the revision of the Chinese customs tariff and cognate matters."

BRILLIANT SUCCESS OF THE HUGHES PLAN FOR REDUCTION OF ARMAMENT

Only in the light of the foregoing is it possible to understand that not until after the adoption of the four-power treaty, supplemented as it was by the special agreements designed to remove the causes of future wars as to China, did the Hughes plan for the reduction of armament have any chance of success whatever. That fact is put beyond all question by the report of the American delegation submitted to the President February 9, 1922, in which it is said that "competitive armament, however, is the result of a state of mind in which a national expectation of attack by some other country causes preparation to meet the attack. To stop competition it is necessary to deal with the state of mind from which it results. The negotiations which led to the four-power treaty were the process of attaining that new state of mind, and the four-power treaty itself was the expression of that new state of mind. It terminated the Anglo-Japanese alliance and substituted friendly conference in place of war as the first reaction from any controversies which might arise in the region of the Pacific; it would not have been possible except as part of a plan including a limitation and a reduction of naval armaments, but that limitation and reduction would not have been possible without the new relations established by the four-power treaty or something equivalent to it."

Thus we know for certain that not until the hope of peace in the Far East had been assured in advance by the four-power treaty was it possible for the bold and self-denying Hughes plan to be driven on to victory. But before that end was reached that plan had passed through a crisis to which a brief reference must be made. At the very outset its author cut off all debate as to the size of a navy each nation was theoretically entitled to by assuming that all calculations must be based on actual navies as they existed on the day of meeting, November 12. That basis gave to Japan a navy whose strength was as 6 compared to 10 for Great Britain and 10 for the United States. Against that ratio of "10-10-6," or its equivalent "5-5-3," Japan protested. But after a struggle, in which Great Britain and the United States stood side by side, Japan yielded, with the proviso that she should be permitted to retain, for sentimental reasons, her brand-new 38,800-ton *Mutsu*, while earmarking her 20,800-ton *Settsu* for the scrap heap. That concession was the only change made at any time in the Hughes plan as to capital ships. He had proposed that the United States should join with Great Britain and Japan in destroying or suspending the building of nearly 2,000,000 tons of capital ships, more than half of the combined capital-ship tonnage of their existing navies. As that plan was carried out without material change, it may be said, in the words of an able critic, that "Mr. Hughes may claim to have destroyed more warships in tonnage than all the sea fighters from Themistocles to the German and British admirals in the Jutland fight."

It is hard to overestimate the grandeur of the achievement. When we pause to meditate upon the far-reaching effects of an international agreement, suddenly made, under which the three greatest of the world's sea powers are to eliminate, by destruction or suspension of

building, more than half of the combined capital-ship tonnage of their existing navies, it is hard not to be mastered and overcome by the grandeur of the achievement. Who can measure its effects upon the world's great hereafter? What patriotic American, no matter what his party politics, will be so narrow-hearted as to deny to the President and Secretary of State the praise due to them for an achievement which in the time to come must be viewed as the crowning triumph of American diplomacy? The importance of such an act cannot be estimated as an isolated event; it cannot be severed from the century and a half of progressive diplomatic history out of which it has been evolved and of which it is a fitting consummation.

NO UNWORTHY PRICE PAID FOR WHAT HAS BEEN ACHIEVED

Every form of democratic government necessarily implies an "opposition," whose never-ending duty it is to present for public condemnation every measure of the ruling majority to which even plausible objections can be made. After exhausting their efforts to find even plausible objections to the outcome of the Limitation of Armament Conference, its critics have been able only to intimate, rather than assert directly, that the price of it all has been the making of an entangling alliance with three European powers entirely at variance with the national tradition.

Devoted as the writer has always been to that part of our policy first defined by Washington, by whom all such alliances were so justly condemned; devoted as he has always been to our peculiar American system known as the Monroe Doctrine, which must survive so long as this Republic endures, he would be the first to condemn, in no uncertain terms, the outcome of the conference if any such crime could be laid at its door. The fact is there is no basis whatever for the charge that has been made; it loses even the semblance of plausibility the moment we pause to consider the nature of an "alliance" as defined by international law.

AN "ALLIANCE" AS DEFINED BY INTERNATIONAL LAW

Naturally enough, "alliances" are defined with the greatest fullness by Vattel (bk. 3, ch. 6), the famous Swiss publicist, whose treatise on the law of nations appeared in 1758, at a time when alliances, "offensive and defensive," were leading factors in European diplomacy. It was to such military alliances as Vattel defines that Washington and Jefferson were specially opposed. The Cyclopedic Law Dictionary has thus condensed the views of Vattel into a narrow compass: "Alliances are defensive or offensive. (1) Defensive alliances are those in which a nation agrees to defend her ally in case she is attacked. (2) Offensive alliances are those in which nations unite for the purpose of making an attack, or jointly waging war against another nation. Alliances may be at the same time offensive and defensive; and most offensive alliances are of this character." According to Grotius (II, ch. 15, sec. 13) and other text-writers, the *casus fœderis* of a defensive alliance does not arise in the case of an unjust war of aggression begun by the power who has only stipulated for aid in

another contingency. The difficulty in such cases is to determine what constitutes a just or defensive war, since certain wars, offensive in form, are actually defensive both in spirit and substance.

As it thus appears that there can be no such thing as an "alliance," as that term is understood in international law, unless the contracting nations agree generally to co-operate in hostilities against some power specially named, or against any power with whom the other party may become involved in actual war, it is only necessary to place side by side, with the foregoing definitions, the four-power treaty (no other has been accused) in order to expose the utter emptiness of the charge that has been made against it. The very brief terms of that treaty (about 200 words) are as follows:

I

"The high contracting parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean.

"If there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

II

"If the said rights are threatened by the aggressive action of any other power the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation."

THE BRANDEGEE INTERPRETATION CLAUSE

Those who are bold enough to charge that the four-power treaty embodies an "alliance," entangling or otherwise, are frank enough to admit that no trace whatever of such a thing can be found in its terms. Their contention is that an alliance may be *inferred*, that it may be tortured out of the terms used, by implication. As one of the most acute and distinguished of its opponents has expressed it: "It is said that there is no military force lurking anywhere in and about this treaty. I grant you that in the language itself it is not provided for." In order to prevent any such method of interpretation, whereby a meaning may be extorted from a treaty which its language does not express, international law long ago invented what is known as an "interpretation clause." In this case we have such a clause carefully embodied in the Brandegge resolution, which reads as follows:

"*Resolved (two-thirds of the Senators present concurring)*, That the Senate advise and consent to the ratification of Executive N, Sixty-seventh Congress, second session, a treaty between the United States, the British Empire, France, and Japan, relating to their insular possessions and insular dominions in the Pacific Ocean, concluded at Washington December 13, 1921, subject to the following reservation and understanding, which is hereby made a part and condition of this resolution of ratification: The United

States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense."

All contrary implications have thus been made impossible.

SUMMARY

From what has now been said, it clearly appears: (1) That the United States, acting as an arbitrating power between Europe and Asia, has done much to secure the peace of the world for the next ten years by removing the probable causes of conflict in the Pacific Ocean; (2) that by removing such causes of conflict, through the making of the four-power treaty, it has been able to bring about a tremendous reduction in the naval armament, which is likely to extend to land armament; (3) that in order to accomplish such momentous results it has not been necessary to enter into any alliances, entangling or otherwise; (4) that such engagements as have been entered into are simply war-preventing agreements, carefully designed to forestall future conflicts by removing in advance the causes out of which such conflicts might otherwise have arisen.

AMERICAN CONGRESSMEN ATTEND THE TWENTIETH CONFERENCE OF THE INTERPARLIAMENTARY UNION, VIENNA

By ARTHUR DEERIN CALL

THE TWENTIETH CONFERENCE of the Interparliamentary Union was held in the Palace of the Federal Parliament, Vienna, Austria, August 28, 29, and 30. The Conference was held in Vienna upon the invitation of the Austrian Group of the Interparliamentary Union, the President of which is Dr. Heinrich Mataja, former Secretary of State. The General Secretary of the group is Dr. Victor Kienböck.

Among the other members of the Austrian Government largely responsible for the success of the Conference were: Chancellor Ignaz Seipel; Count Ottokar Czernin, former Minister of Foreign Affairs; Dr. Karl Odehnal, Minister of Transportation; Ex-Minister Baron Dr. de Plener; Ex-Minister Dr. Rudolph Ramek; Karl Vaugoin, Minister of War; Dr. Erwin Weiss, formerly Under-Secretary of State. Other Austrian officials who contributed to the importance of the Conference were: Dr. Michael Hainisch, President of the Republic; Dr. Alfred Gruenberger, Minister of Foreign Affairs; Dr. Hans Schober, former Chancellor, now President of the Police; and Col. W. B. Causey, Technical Adviser to the Austrian Government. The United States Minister to Austria, the Hon. A. H. Washburn, was of great assistance, especially to the American delegation. Dr. Christian L. Lange, General Secretary of the Union, was, as always, the guiding spirit of the Conference.

THE AMERICAN DELEGATION

The American delegation was as follows: Senator William B. McKinley, of Illinois, President of the